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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 PERCY LAVAE BACON,

10 Plaintiff,

11 vs.

12 DAVID ROGER,

13 Defendant.
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Case No. 2:11-CV-00406-RLH-(PAL)

ORDER

15 Plaintiff has submitted an application to proceed in forma pauperis (#1) and a motion
16 for a preliminary injunction. The motion for a preliminary injunction is insufficient to commence a
17 civil action in this court. See Fed. R. Civ. P. 3.

18 Furthermore, on at least three occasions this court has dismissed for failure to state a
19 claim upon which relief can be granted actions commenced by plaintiff while he was a prisoner.¹
20 Plaintiff cannot proceed in forma pauperis in this action unless he is in imminent danger of serious
21 physical injury. See 28 U.S.C. § 1915(g). Plaintiff has not alleged, and the subject matter of this
22 action does not indicate, that he is in imminent danger of serious physical injury. Plaintiff must pre-
23 pay the filing fee in full.

24 IT IS THEREFORE ORDERED that plaintiff's application to proceed in forma
25 pauperis (#1) is **DENIED**. Plaintiff shall pay the full filing fee of three hundred fifty dollars
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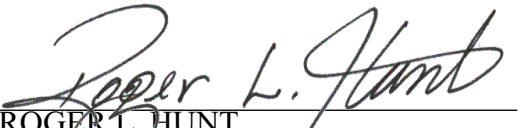
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28 ¹See Bacon v. Webster, 2:05-CV-01267-PMP-(GWF); Bacon v. Laswell, 2:09-CV-02058-
PMP-(PAL); Bacon v. State of Nevada, 2:10-CV-01451-KJD-(LRL).

1 (\$350.00) within thirty days of the date that this order is entered. Failure to comply with this order
2 will result in the dismissal of this action.

3 IT IS FURTHER ORDERED that the clerk of the court shall provide plaintiff with
4 two copies of this order. Plaintiff is ordered to make the necessary arrangements to have one copy
5 of this order attached to the check in the amount of the designated fee.

6 IT IS FURTHER ORDERED that the clerk shall send to plaintiff a blank section
7 1983 civil rights complaint form with instructions. Plaintiff shall have thirty days from the date that
8 this order is entered to submit a complaint on that form. Failure to comply with this order will
9 result in the dismissal of this action.

10 DATED: March 18, 2011.

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13 ROGER L. HUNT
14 Chief United States District Judge
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